

QATAR

Global litigation guide



About

Welcome to The Global Litigation Guide (the “**Guide**”) which has been prepared by DLA Piper’s civil litigation experts around the world for the purpose of presenting key aspects of civil litigation in jurisdictions in which DLA Piper operates.

For each country, the Guide focuses on the following aspects:

- Overview of court system
- Limitation
- Procedural steps and timing
- Disclosure and discovery
- Default judgment
- Appeals
- Interim relief proceedings
- Prejudgment attachments and freezing
- Costs
- Class actions

This global Guide provides practitioners, in-house counsel and clients with a comparative source of reference that covers some of the intricacies of civil litigation in 30 jurisdictions worldwide. DLA Piper has prepared separate guides that deal with matters that are closely related to civil litigation, such as DLA Piper’s guide to [Legal Professional Privilege](#) and (coming soon) DLA Piper’s guide to Third Party Funding. Criminal or administrative litigation (as well as litigation relating to other specialist areas of law that require different procedures such as tax and employment) are outside the scope of the Guide.

The Guide is not a substitute for legal advice. Should you have a civil claim, or if you would like further information, please contact any of the individuals listed in the Guide.

About DLA Piper

DLA Piper is a global law firm with lawyers located in more than 40 countries throughout the Americas, Europe, the Middle East, Africa and Asia Pacific, positioning us to help clients with their legal needs around the world.

For further information visit www.dlapiper.com.

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Qatar

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Overview of court system

Qatar's courts operate under a civil law legal system. Qatar's legal system is rooted in the Napoleonic Code which was adopted (via the Arab Civil Code) by many countries in the Middle East. Judges are independent of the state and their decisions are taken and implemented in accordance with the law. Hearings in Qatari court proceedings are open to the public unless the court decides of its own accord or at the request of an interested party to hold them in closed session. Case documents, however, are confidential to the litigants. Arabic is the official language in the Qatari courts and all pleadings must be in Arabic (with foreign language documents requiring translation by a court approved translator). While it is extremely rare for witnesses to be required to give evidence in court, the courts will hear evidence given through an interpreter where the evidence of a non-Arabic witness is required.

Qatari civil courts (the Civil Court) have jurisdiction over civil matters, while the commercial matters including corporate, banking, construction and maritime matters are heard and decided before the Investment and Trade Court (the Investment Court). The Investment Court is organized in the following instances:

- the First Instance Court, which comprises:
 - the Lower Investment Court, which hears and decides on all civil and commercial cases where the amount in dispute does not exceed the sum of QAR10,000,000 (c. USD2,747,250);
 - the Higher Investment Court, which hears and decides cases where the amount in dispute exceeds QAR10,000,000; and
 - It also acts as an appellate court, hearing appeals against judgment issued by the Lower Investment Court.
- the Court of Appeal, which hears appeals filed against judgments issued by the Higher Investment Court; and
- the Court of Cassation, which is the ultimate court of appeal in Qatar, and hears appeals filed against judgments issued by the Court of Appeal or the Higher Investment Court, acting as an appellate court.

In addition, there are a number of specialist tribunals. Judgments issued by these specialist tribunals can be appealed to the Court of Appeal within the Civil Court.

Parties doing business in Qatar should also be aware of the Qatar Financial Centre (a business and financial center located in Doha) which, as a part of its business-friendly environment, provides an alternative judiciary in the form of the Qatar International Court (QIC) with respect to disputes arising between entities established within the QFC or between QFC entities and parties outside of the QFC. The QIC, which has a bench formed of internationally renowned common law judges, is designed to hear cases quickly and efficiently. Parties with disputes in Qatar should therefore consider making use of this more modern alternative to Qatari court litigation, if applicable to them.

Limitation

Under Qatari law, the application of limitation periods is usually a substantive law issue and therefore governed by the law applicable to a particular contract or interaction between the parties. Advice should be sought on a case-by-case basis on the applicable limitation period since its expiry can critically affect a party's ability to bring a claim. Where Qatari law is the applicable law in respect of a limitation period, the general position is set out below.

Qatari law also prescribes a range of different limitation periods depending on the specific type of claim in issue. In particular, the position in respect of contractual claims is generally as follows:

- claims which are considered to arise out of a commercial arrangement/activity will have a limitation period of ten years from the breach occurring; and
- claims which are not considered to arise out of a commercial arrangement/activity will have a limitation period of 15 years from the breach occurring.

Procedural steps and timing

Usually, proceedings before the Civil Court take a lengthy time until a final decision is issued and becomes enforceable. However, the proceedings before the Investment Court are much faster, given the nature of the disputes involved. The Investment Court operates on the following procedural timeline:

- **Statement of Claim:** Litigation is initiated when a plaintiff files a statement of claim.
- **Service of Proceedings:** The court ensures the claim is served to the defendant within three days, leveraging digital means to enhance efficiency.
- **Defense Submission:** The defendant must respond with a complete defense, counterclaim, and associated evidence within 30 days of being served.
- **Plaintiff's Response:** The plaintiff is then required to file a rejoinder within 15 days of receiving the defense.
- **Defendant's Counter-Response:** The defendant has an additional ten days to reply to the plaintiff's rejoinder.
- **Extensions:** Though the court may grant extensions, these are strictly limited to a total of 45 days.

A claim is commenced when the claimant files its statement of claim (together with supporting documents). Although representation is not, in theory, mandatory, navigating the court system (which is fairly complex and in Arabic only) is difficult without legal representation and, in practice, parties are almost always represented.

A common and important feature of Qatari court litigation (particularly in respect of complex construction disputes) is the involvement of one or more court appointed expert (selected from an internal panel). Once appointed, an expert will meet the parties, review the case, and prepare a report of their findings. During this time, the court will continue to hold regular hearings to monitor the status of the expert review process.

The parties, individually or collectively, have a right to object to the content of the expert's report. If the court agrees with the objections raised, it may order that the expert revisits its report to address the parties' objections or, alternatively, make an order to appoint a different expert. However, once the court is satisfied that the content of the report is final, it will tend to rely heavily upon it when giving its decision.

It can typically take as long as six months for a judgment to be given in cases before the Qatari Court of First Instance. It can also take more or less time depending on the complexity of the case. With respect to cases heard by the Qatar International Court, a judgment will be issued within 90 days from the date on which the respondent received official notice of the claim, unless the nature of the claim requires one or several extensions, pursuant to Schedule 6 of QFC Law No. (7) of 2005.

Disclosure and discovery

When filing a claim, claimants in the Qatari courts are only required to produce documents that support their claim. However, a litigant is entitled to request that its opponent be obliged to produce relevant documents if:

- it is permitted by Qatari law;

- the document is joint between the parties (i.e. relates to mutual obligations and rights between them); or
- if its opponent relies on it at any point in the proceedings.

There are often evidentiary difficulties for a party seeking disclosure of a document as it has to prove that the document exists and that it is in the possession of its opponent.

Default judgment

Where the statement of claim has been personally served on a defendant and that defendant does not submit any documentary pleading in response to the statement of claim or otherwise fails to appear in court after having been summoned, the court will give its judgment in the absence of the defendant. The judgment will therefore be based on the court's review and consideration of the evidence produced by the claimant alone. It is worth noting that as a means to compelling the defendant to participate in the proceedings, the defendant will be served with the summons personally or at its residence. If the bailiff is unable to locate the defendant, the bailiff will deliver the summons to the defendant's representative, employee, spouse, relative or in-law. If the summons is not served on a defendant who subsequently fails to participate in the proceedings, the court will adjourn the case to a subsequent session and re-notify the defendant of the proceedings. Furthermore, even if service has been perfected on the defendant, there is scope under Qatari law for a party to have such judgments reconsidered in exceptional circumstances.

Appeals

There are two levels of appeal in Qatari court proceedings: first to the Court of Appeal and secondly to the Court of Cassation. Judgments of the Court of Appeal are capable of enforcement by the judgment creditor notwithstanding any further appeal by the judgment debtor. Enforcement action is dealt with by the separate Court of Execution. While the right of appeal to the Court of Appeal is automatic and thus the majority of cases are appealed, the right of appeal to the Court of Cassation is limited to circumstances where there has been an error of law or a procedural irregularity.

Any party seeking to appeal a judgment of the Qatari civil court should ensure that it does so within the applicable time limit: ie 30 days for an appeal to the Court of Appeal and 60 days for an appeal to the Court of Cassation with respect to civil cases and 30 days for commercial cases. On average, it is common for the Court of Appeal and Court of Cassation to take 4-6 months to issue judgment in relation to an appeal, but this can vary depending on the caseload of the court at the time.

Prospective claimants should be conscious that the broad rights of appeal available in the Qatari courts can add considerably to the cost and delay in litigating in the country. This is similar to other legal systems in the Middle East.

Interim relief proceedings

Interim relief proceedings are not available in the Qatar courts. However, interim relief may be granted by way of a precautionary attachment to freeze the debtor's assets.

Prejudgment attachments and freezing orders

In Qatar, prejudgment attachments are referred to as precautionary attachments. In summary, a precautionary attachment can be sought from the Court of First Instance either as a precautionary measure or as an enforcement measure.

A precautionary attachment may be granted in circumstances where a party can prove: (i) that it is owed a due and payable debt; and (ii) the debtor is at risk of dissipating its assets and/or is a flight risk.

An application for a precautionary attachment is an *ex parte* application which requires substantive proceedings on the merits to be filed, by way of a claim, within two weeks of the application being granted.

Any fixed and/or movable assets of the debtor are liable to attachment, including:

- licenses and registrations (including its trade/commercial license and accounts with the labor/immigration authorities);
- fixed assets (including real property);
- moveable assets (including bank accounts, plant, office furniture, machinery and securities); and

- receivables owed to the debtor from third parties in Qatar (including debts and liabilities).

Once an attachment order is granted, the court will write to various institutions where a debtor may have assets, and the governmental bodies who regulate them. Those institutions include:

- the central bank;
- the real property registration authority;
- the commercial licensing authorities;
- the vehicle registration authorities; and
- the stock exchange.

In its letters, the court will confirm the value of attachment and request the relevant institutions to confirm the debtor's assets that are held by and/or registered by them. The court will then ask for attachment to take place over the assets to the relevant value.

The court can also attach specific assets that the applicant believes are in the possession of a third party but are owned by the debtor. This includes instances where the debtor has goods in the warehouse of a third party or receivables/debts owed to it under a contract or some other instrument. The difficulty with placing an attachment on such assets is an evidential one; not only must the applicant be aware of the existence of the relevant assets/debts/receivables, it must also prove to the court that the assets belong to the debtor.

In circumstances where a debtor's assets are not sufficient to satisfy the value of the attachment, it is possible that some or all of its assets will be subject to attachment (to the extent they are discovered) regardless of whether or not they have any monetary value (for example, an empty/overdrawn bank account or plant/machinery whose depreciation value is zero may nevertheless be subject to attachment).

The effect of an attachment is that assets are effectively frozen. For example, bank accounts are frozen and cannot be operated by their holder, and moveable assets and/or property are affixed with signs or seals to identify that they have been attached and cannot therefore be used.

It is also possible for a party to seek to impose travel bans on the authorized signatories and/or managers of the debtor. The individuals at risk will usually be those that are listed on the commercial license of the debtor.

There are two ways in which a party may lift an attachment on its assets:

- by providing security to the Court Treasury. Once this security is provided, the attachment can be transferred to the security, and so released from the debtor's assets. The form of security is at the discretion of the court and can include:
 - a payment into the Court Treasury for the amount of the attachment. Such payment can be made by a third party, such as any other debtor entity on behalf of the debtor; and/or
 - the authorized signatory(ies) and/or manager(s) of the debtor depositing their travel documents with the Court.
- by successfully challenging the attachment. Challenges to an attachment proceed through the following tiered appeal system:
 - an initial grievance before the court that granted the attachment. It may be possible to successfully discharge a precautionary attachment after a successful grievance which usually takes three to four weeks to resolve (assuming that service of proceedings is affected swiftly);
 - an appeal before the higher Court of Appeal; and
 - an appeal before the Court of Cassation.

An attachment, if granted, remains in place while the challenge to the attachment is being considered, which can take up to a year to conclude.

It is not possible for the debtor to claim damages incurred as a result of the attachment.

Costs

Court fees (including experts' fees) are generally recoverable by the successful party in Qatari court proceedings, but only a nominal amount will be awarded for lawyers' fees. Where neither party has been entirely successful in their claims, the court may decide that each party shall bear its own costs. The prevailing party may be ordered to pay some or all of its costs if:

- the claim was undisputed by the defendant;
- the prevailing party caused unnecessary costs to be incurred; or
- the prevailing party failed to provide its opponent with the documents (or its contents) which the court deems to be conclusive in the matter.

The court fees payable for claims vary depending on the nature and value of the claim. The applicable court fees are also routinely amended and are not readily accessible on a centralized court website. The best source of information on current court fees is local counsel, who will be able to search the relevant court website.

Class actions

Class actions are not recognized under Qatari law or the Qatari courts procedure.

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